

EXTERNAL INSTRUCTIONS

APPLICATION TO PROCEED IN FORMA PAUPERIS 28 U.S.C. § 1930(f)

NEW FILING FEE PROCEDURE FOR CASES FILED AFTER 10/17/05

In an *voluntary individual Chapter 7*, the debtor may, in lieu of paying the filing fee or filing an installment application, file an Application to Waive the Filing Fee (proceed in forma pauperis) using a form that substantially complies with Official Form 3B3.

AMENDED FEDERAL CODE, FEDERAL RULE AND LOCAL RULE

28 U.S.C. § 1930(f)(1-3), Federal Bankruptcy Rule 1006, and R.I. Local Rule 1006-1.

OFFICIAL FORMS AND LOCAL FORMS

Official Form 1 - (first page of the petition) has been amended to include a check box for the debtor to indicate that a fee waiver has been requested.

Official Form 3B3 - consists of a cover sheet and the application.

R.I. Bankr. Form D - Expense Information - the debtor must file this form if Schedule J has not been filed with the petition.

FILING PROCEDURE

- 1) Under the section “Filing Fee” on the first page of the petition (Official Form 1), the debtor must check that they intend to file the Application to Waive the Chapter 7 Filing Fee.
- 2) The debtor must then file a signed Application to Waive the Chapter 7 Filing Fee using Official Form 3B3 and, if Schedule J has not been filed, the debtor must also file R.I. Bankr. Form D “Expense Information for Fee Waiver Application”.
- 3) If the fee waiver is not filed with the petition, the Court will issue a 2-Day Notice of Missing Documents requiring the debtor to, pay the filing fee, file a signed fee waiver, or file an application to pay in installments within 48 hours. See amended LBR 1007-1(b)

DEFECTIVE APPLICATIONS

Defective applications will be automatically denied and the debtor will be required to pay the filing fee in installments in accordance with the procedures outlined in R.I. LBR 1006-1. (The first installment payment of 25% will be due within ten (10) days, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-five(25) days thereafter).

RESOLUTION OF THE FEE WAIVER

Denial of Application:

If the application is denied, the clerk will set forth an installment payment schedule in accordance with the procedures outlined in R.I. LBR 1006-1. The first installment payment of 25% will be due within ten (10) days, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-five(25) days thereafter .

Granting of Application:

The granting of the application applies to all future fees. The Court's computer system has been modified so that future fee screens will not appear in the case.

CONVERSION AND IFP CASES

Conversion from 7 to 13:

If the filing fee of an individual chapter 7 debtor is waived and that debtor's case is later converted to a case under chapter 13, the debtor must pay the full chapter 13 filing fee. The conversion order will give a reasonable time for the debtor to either pay the fee in full, or begin making installment payments.

Conversion from 13 to 7:

If a case is converted from chapter 13 to chapter 7, the court may waive (upon application) any unpaid balance on the filing fee, if the debtor meets the standard of eligibility.

REVOCATION OF FEE WAIVER

The court may vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

Dated: 10/5/2005